

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 11, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BODHI,

Plaintiff,

v.

CHERYL STRANGE, LISA FLYNN,
DAWN TAYLOR, ZILVINAS
JAKSTAS, and WASHINGTON
STATE DEPARTMENT OF
CORRECTIONS,

Defendants.

No: 4:24-CV-5039-TOR

ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH
FILING FEE OR *IN FORMA*
PAUPERIS REQUIREMENTS

Plaintiff Bodhi, a prisoner currently housed at Coyote Ridge Corrections Center (“CRCC”), filed this *pro se* civil rights complaint in the Western District of Washington on April 5, 2024. ECF No. 1. On April 12, 2024, the case was transferred to this judicial District. ECF No. 3.

Plaintiff did not pay the filing fee to commence the action as required by 28 U.S.C. § 1914. Although he filed a Motion and Affidavit for Waiver of Fees and Surcharges, he did not submit the correct Declaration and Application to Proceed

ORDER DISMISSING ACTION FOR FAILURE TO COMPLY WITH FILING
FEE OR *IN FORMA PAUPERIS* REQUIREMENTS -- 1

1 *In Forma Pauperis*. ECF No. 1 at 1. Plaintiff also failed to comply with 28 U.S.C.
2 § 1915(a)(2), which requires prisoners who seek to bring a civil action without
3 prepayment of the filing fee to submit a certified copy of their inmate account
4 statement (or the institutional equivalent) for the six months immediately preceding
5 the filing of the complaint.

6 By letter dated April 12, 2024, the Clerk of Court advised Plaintiff that he
7 needed to complete and return the correct Declaration and Application to Proceed
8 *In Forma Pauperis* and provided him with the form. ECF No. 6. The Clerk of
9 Court also directed Plaintiff to submit a certified statement of his inmate account
10 (or institutional equivalent) for the six months immediately preceding the
11 submission of his complaint. *Id.* The Clerk of Court stated that after Plaintiff had
12 complied with these requirements or paid the applicable fee of \$405.00 (\$350.00
13 filing fee, plus \$55.00 administrative fee), his case would be presented to the Court
14 for review. *Id.*

15 On May 7, 2024, this Court again ordered Plaintiff to complete and return the
16 correct Declaration and Application to Proceed *In Forma Pauperis* and submit a
17 certified statement of his inmate account for the six-month period immediately
18 preceding April 12, 2024. ECF No. 9 at 2–3. In the alternative, Plaintiff was
19 instructed that he may pay the full \$405.00 filing fee. *Id.* The Court cautioned that

1 failure to comply with these directives on or before June 6, 2024, would result in
2 dismissal of this action. *Id.* at 3.

3 Plaintiff did not comply with these directives and has filed nothing further.
4 Accordingly, for the reasons set forth above and, in the Court's prior Order, ECF
5 No. 9, **IT IS ORDERED** that this action is **DISMISSED WITHOUT**
6 **PREJUDICE** for failure to comply with the filing fee and *in forma pauperis*
7 requirements of 28 U.S.C. §§ 1914 and 1915. The Court certifies pursuant to 28
8 U.S.C. § 1915(a)(3) that any appeal of this Order would not be taken in good faith
9 and would lack any arguable basis in law or fact.

10 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
11 enter judgment, provide copies to Plaintiff, and **CLOSE** the file.

12 **DATED** this 11th day of June 2024.



Thomas O. Rice
THOMAS O. RICE
United States District Judge